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| Notice of Allowability | Application No. | Applicant(s) | |
| | 09/985,734 | HAALA, CATHERINE A. | |
| | Examiner | Art Unit | |
| | Ronald Baum | 2136 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/16/2004, 12/17/2004.
2. ☒ The allowed claim(s) is/are 1 and 3-20.
3. ☒ The drawings filed on 06 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>12/17/2004</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dinesh Agarwal, Reg. No. 31,809 on 9/15/2004.

1. Replace claims 1,3,11 with:

1. A national security method which functions as a prerequisite to a person wishing to negotiate a transaction with another person, group, or entity in a population and selectively obstructing the person from negotiating the transaction, comprising the steps of:

a) selecting for each person in the population of a country an identifying biometric characteristic unique to that person;

b) determining profile information of each person in the population;

c) storing the identifying characteristic and the profile information of each person in the population in individual portable data devices to be carried by respective persons, the data devices including an active status and an inactive status;

d) storing the identifying characteristic and the profile information of each person in the population collectively at a central location;

e) determining an identifying biometric characteristic and the profile information of a person wishing to negotiate a transaction from the portable data device carried by the person;

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f) comparing the identifying characteristic and the profile information determined in step e) with the corresponding identifying characteristic and the profile information prestored in step d) for a successful or unsuccessful comparison;

g) obtaining a portion of the profile information and a biometric characteristic directly from the person in step e);

h) comparing the identifying characteristic and the profile information obtained in steps e) and g) for a successful or unsuccessful comparison;

i) determining an active or inactive status of the data device carried by the person in step e);

j) obstructing the person in step e) from negotiating the transaction if an unsuccessful comparison is indicated in either steps f) or h), or if the status of the data device is determined to be inactive in step i);

k) notifying an appropriate authority if the status of the data device is determined to be inactive in step i);

l) wherein the person in step e) is barred from negotiating any transaction with any person, group, or entity in the population if an unsuccessful comparison is indicated in any of the steps f), h), or i); and

m) further obstructing the person obstructed from negotiating the transaction in step j) from negotiating any subsequent transaction with any other person, group, or entity in the population.

3. The method of Claim 1, wherein:

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the authority comprises a law enforcement authority.

11. The method of Claim 1, further comprising the step of:

n) converting the data device to an inactive status upon the occurrence of an event.

2. Cancel claim 2.

Examiner's Statement of Reasons for Allowance

3. Claims 1,3-20 are allowed over prior art.

4. This action is in reply to applicant's correspondence of 16 June 2004, and in view of the 4th Information Disclosure Statement and RCE of 17 December 2004.

5. The following is an examiner's statement of reasons for the indication of allowable claimed subject matter.

6. As per claim 1, prior art of record, "Pilot smartcard to roll out next year", Computimes Malaysia (8 October 1998), Polansky, U.S. Pre Grant Publication No. 2001/0045458, "New System Speeds Travelers Through Immigration Points", The Oregonian, Oregonian Publishing Co., (May 25, 1997), Hendry, Mike, Smart Card Security and Applications, Artech House, Inc., 1997, "Towards a smartcard-using nation: [2* Edition]", New Straits Times (1 March 2000), and, Drexler et al. U.S. Patent No. 5,457,747 fails to teach, alone, or in combination, of;

(claim 1) "*A national security method which functions as a prerequisite to a person wishing to negotiate a transaction with another person, group, or entity in a population and selectively obstructing the person from negotiating the transaction, comprising the steps of:*

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- a) selecting for *each person in the population of a country* an identifying biometric characteristic unique to that person;
- b) determining profile information of *each person in the population*;
- c) storing the identifying characteristic and the profile information of each person in the population in individual portable data devices to be carried by respective persons, the data devices including an *active status and an inactive status*;
- d) storing the identifying characteristic and the profile information of each person in the population collectively at a central location;
- e) *determining an identifying biometric characteristic and the profile information* of a person wishing to negotiate a transaction from the portable data device carried by the person;
- f) comparing the identifying characteristic and the profile information determined in step e) with the corresponding identifying characteristic and the profile information prestored in step d) for a successful or unsuccessful comparison;
- g) *obtaining a portion of the profile information and a biometric characteristic directly from the person in step e)*;
- h) comparing the identifying characteristic and the profile information obtained in steps e) and g) for a successful or unsuccessful comparison;
- i) determining an active or inactive status of the data device carried by the person in step e);
- j) *obstructing the person* in step e) from negotiating the transaction if an unsuccessful comparison is indicated in either steps f) or h), or if the status of the data device is determined to be inactive in step i);

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k) *notifying an appropriate authority* if the status of the data device is determined to be inactive in step i);

l) wherein the person in step e) is *barred from negotiating any transaction with any person, group, or entity in the population if an unsuccessful comparison is indicated in any of the steps f), h), or i);* and

m) *further obstructing the person obstructed from negotiating the transaction in step j) from negotiating any subsequent transaction with any other person, group, or entity in the population.*”

The *italicized* above claim elements dealing with “[A] *national security ... prerequisite ... to negotiate a transaction ... and selectively obstructing the person from negotiating the transaction, ... [whereas] each person in the population of a country ... [uniquely biometrically identified such that] ... determining profile information of each person in the population ... [and storing identifying and profile information] ... in individual portable data devices to be carried by respective persons ... [inclusive of an] active status and an inactive status; ... [and stored on]... a central location; ... determining biometric and the profile information ... [for negotiation of transaction(s) via the device and database, then] ... obtaining a portion of the profile information and a biometric characteristic directly from the person [and inclusive for subsequent successful or unsuccessful comparison, the active or inactive status of the data device] ... obstructing the person [if unsuccessful comparison, and] ... notifying an appropriate authority ... [and] ... further obstructing the person ... from negotiating the [above mentioned] ... transaction ... [and] ... any subsequent transaction with any other person, group, or entity in the population.*” serving to patently distinguish the invention from prior art. Specifically, the

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claimed elements recited above are taught as individual elements in the prior art in various venues and applications dealing with finance, physical access control, network node access control, and selected elements are taught for use in various *national security methods*.

However, as per the applicants arguments in the previous remarks in the Appeal Brief (June 16 12, 2004), the examiner finds the applicant's arguments to be persuasive in that no motivation to combine all claimed elements of claim 1, other than hindsight and that which is provided by the applicant per se, so as to patently distinguish the invention from prior art in so far as the field of *national security methods*, specifically (as opposed to, for example, financial or business method not necessarily concerned with the specifics of *national security methods*), is concerned. **Further, the prior art references cited in the IDS of 17 December 2004 also fail to provide sufficient motivation to combine the associated teachings so as to provide for a rejection under 103' for obviousness.**

7. Similarly, claims 14 and 17 are allowed for similar and analogous reasons.
8. Dependent claims 3-13,15-16,18-20 are allowable by virtue of their dependencies.

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Conclusion

9. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861. The examiner can normally be reached Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at (571) 272-3795. The Fax number for the organization where this application is assigned is 703-872-9306.

Ronald Baum

Patent Examiner



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